

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re: ARC AIRBAGS INFLATORS
PRODUCTS LIABILITY LITIGATION

ALL CASES

Case No.: 1:22-md-03051-ELR

MDL No. 3051

Judge: Eleanor L. Ross

**OEM DEFENDANTS' RESPONSE
TO PLAINTIFFS' MOTION FOR
CASE MANAGEMENT
CONFERENCE**

The OEM Defendants (Kia America, Inc.; Hyundai Motor America; Porsche Cars North America, Inc.; BMW of North America, LLC, FCA USA LLC; Volkswagen Group of America, Inc.; Audi of America, LLC; General Motors LLC; and Ford Motor Company) do not oppose Plaintiffs' request that the Court hold a case management conference to discuss: (1) Plaintiffs' renewed request for pre-complaint discovery; (2) the parties' pending submissions regarding entry of a Protective Order and ESI protocol, and (3) any other issues the Court would like to discuss.

As the Court is probably aware, the National Highway Traffic Safety Administration (NHTSA) sent a letter to ARC Automotive, Inc. on April 27, 2023 concerning certain airbag inflators designed and manufactured by ARC. NHTSA did

not send the letter to the OEM Defendants. As of the date of this submission, the OEM Defendants have no information that indicates a recall is appropriate for any ARC inflator identified in the NHTSA letter, other than those previously or currently subject to recall. The OEM Defendants are aware of 7 known field events occurring in the United States (as detailed in the NHTSA Letter at p.5). These have occurred in a population estimated by NHTSA to be 67 million inflators. Each OEM Defendant is taking this issue seriously and has been cooperating with NHTSA in the course of its investigation regarding ARC airbag inflators.

For example, on May 10, 2023, General Motors announced a recall of 994,763 GM vehicles with ARC-manufactured airbag inflators to replace the front-driver airbag module. As GM explained to NHTSA, GM is aware of three rupture events in Chevrolet Traverse vehicles involving the same “MC” inflator variant. The reason for these inflator ruptures remains unknown to GM and GM continues to investigate these incidents. Out of an abundance of caution, GM decided to expand its two prior recalls to all front-driver airbag modules containing an ARC “MC” variant inflator that were installed as original equipment in 2014-2017 model year Chevrolet Traverse, Buick Enclave, and GMC Acadia vehicles.

The OEM Defendants understand the Plaintiffs are requesting that all Defendants immediately produce documents that they have provided to NHTSA concerning ARC hybrid toroidal inflators and that such production occur before

Plaintiffs file their consolidated complaint.¹ The parties previously addressed this issue in the Joint Submission of Deadlines for Rule 26(f) Conference, Initial Disclosures, and Other Preliminary Discovery [ECF No. 66].

The OEM Defendants' position is that this case management conference will be most efficient and effective if there is a clear agenda for the items to be discussed and with sufficient time for the parties to identify their positions on the items to be discussed before the conference is held (to the extent those positions have not already been submitted to the Court in prior filings). Therefore, the OEM Defendants respectfully request that this case management conference order be scheduled after the Court identifies the items for discussion at the conference, and with opportunity for the parties to submit briefing on the issues to be discussed at the conference.

¹ The OEM Defendants also understand the Plaintiffs would like for the OEM Defendants to review potential named class member Vehicle Identification Numbers ("VIN") before they file their consolidated complaint to confirm whether the class members' vehicles were originally equipped with ARC inflators. Most, if not all, of the OEM Defendants will agree to that request.

Dated: May 25, 2023

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), the undersigned certifies that the foregoing complies with the font and point selections permitted by Local Rule 5.1. This brief was prepared on a computer using the Times New Roman font (14 point).

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